Sixthly, when more than 25% of the cases decided by an officer were remanded or set aside by a superior court, the promotion of that officer should be barred or he should be punished otherwise. On the other hand, officers in whose case such defects were not discovered should be given promotions and otherwise encouraged, irrespective of their service, caste or religion.

Seventhly, the time-limit within which courts should frame issues, after the defendant had filed his written statement, should be definitely fixed.

Eighthly, where a party had paid process fees and such fees had not been spent, it should be utilised for new processes, provided the party applied for the utilisation of the money for the new processes before the amount had lapsed.

Ninthly, each court should be authorised to appoint two or three persons, in addition to the persons already competent under the rules, to attest affidavits. This should be allowed at least in places where there were no Bench Magistrates' courts and Panchayat courts.

Tenthly, in order to suppress corrupt practices prevailing in courts, the pay of subordinate officers should be enhanced or efficient officers should alone be appointed as presiding officers.

DEWAN'S REPLY: Mr. Kesavan Unnithan, I will give you a reply on your points, after all the members who wish to speak on the subject, have spoken.

29. Need for a Munsiff's Court and a Magistrate's Court at Pattanamtitta.

MR. P. S. KESAVA PILLAI (*Member, Pattanamtitta taluk*) prefaced his representation by referring to the importance of his taluk in the matter of extent, population, trade and business.

The one great drawback in the taluk was the absence of a Munsiff's court. A District Munsiff's court could well be established in the place, and in addition to the pakuthies in the taluk, the court could be given jurisdiction over the Pantalam Thekkekara pakuthi in the Mavelikara taluk, the Kodumon Pakuthi in the Kunnathur taluk and the Mullapuzhasseri and Airur Pakuthies in the Tiruvalla taluk.

The need for a separate Magistrate's court was equally urgent. Revenue and magisterial functions were combined and vested in the Tahsildar of the taluk. But the Tahsildar could hardly find sufficient time to devote to both these functions. He had to be on circuit for twenty days in the month and had to attend to manifold revenue matters. It was impossible therefore that he could do justice to his magisterial work. The establishment of a separate Magistrate's court was therefore absolutely necessary. If for any reasons the above proposals were not considered feasible, the Tahsildar might be divested of his magisterial powers and a Munsiff-Magistrate might be appointed for the taluk.

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DEWAN'S REPLY: Mr. Kesava Pillai, the question of a Munsiff's court in the Pattanamtitta taluk will be taken up in connection with the general redistribution of the jurisdiction of courts throughout the State which matter is engaging the attention of the High Court.

30. Defects in the working of the Judicial Department.

MR. NARAYANAN KOCHUPILLAI KAIMAL (*Member, Shertallai taluk, Group II*) made the following suggestions for improving the working of the Judicial Department :—

(i) There was delay in the disposal of cases in civil courts mainly for two reasons: (*a*) the jurisdiction of courts extended over very wide areas; (*b*) the parties themselves were sometimes responsible for the delay. At times they applied for five to six adjournments before they even filed the written statement. The delays could be saved by two means. More courts should be opened wherever necessary. Suits should be classified and legal provisions should be made fixing a definite time for disposal of each class of suits. No case should be allowed to be kept pending for more than two years. It was worthy of mention that a similar provision of law existed in the neighbouring State of Cochin. There were also one or two other remedies that could be adopted. Issues should be framed only after hearing both parties. The rule on this point was not being strictly observed at the present time. Cases in the evidence stage should be adjourned for long intervals and should be posted in small numbers. The intervals should be long enough to issue one or two processes to parties and witnesses. Such witnesses as were present in accordance with the summons should be examined continuously.

(ii) No person should be allowed to be impleaded in a suit after judgment was delivered and decree executed, on the ground that he had no notice of the original suit. Processes when served three times should be conclusively taken as due notice.

(iii) Affidavits should be demanded only where they were absolutely necessary. They should not be demanded for such simple purposes as applications for adjournment.

(iv) Stringent instructions should be issued for sending encumbrance certificates from civil courts to the registry offices, as soon as the decrees were prepared. There was no use otherwise of the registration fees paid at the time of filing a suit.

(v) Processes were now being served in an irresponsible manner. The result was unnecessary expense for parties and protraction of trials. The rule that every peon should serve at least 75 per cent of the processes correctly had become a dead letter. Promotions should be given to process-servers only according to efficiency. They should be made to feel the gravity of the work they undertook.

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